

ORDINANCE NUMBER 19-12

JUNK AND DEBRIS

WHEREAS, it is the policy of the Kendall County Board to promote the health, safety, and welfare of Kendall County by abating the nuisance created by the outside storage of junk and debris in unincorporated areas of the County; and

WHEREAS, on July 9, 1968, the Kendall County Board adopted an Ordinance entitled "An Ordinance Declaring the Storing of Junk and other Waste Matter on Private Property to be a Nuisance;" and

WHEREAS, An Ordinance Declaring the Storing of Junk and other Waste Matter on Private Property to be a Nuisance adopted July 9, 1968 stated the circumstances under which the storage of junk and refuse on private property in unincorporated areas of Kendall County would constitute a nuisance and provided procedures for the abatement of such nuisance; and

WHEREAS, the Kendall County Board now desires to implement an updated procedure for the abatement of the nuisance created by the storage of junk and debris.

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby authorizes the abatement of the nuisances created by the storage of junk and debris and the levying of fines for a person's failure to abate as follows:

Section 1.

The purpose of this Ordinance is to provide a method for abating nuisances created in the County of Kendall by the storage of junk and debris and to provide for fines to be levied for the failure of any person to obey a notice received from Kendall County which states that such person is to dispose of any junk and debris located on property under that person's control.

Section 2.

It is hereby declared a nuisance for any person, whether the owner, tenant, and/or other occupant of real property (it being the intent of this Ordinance to make all such persons jointly and severally liable for compliance), to cause, allow, or permit the existence or storage of any junk and debris upon any exterior premises within the County of Kendall and outside the municipal confines of any city, village or incorporated town. For purposes of this Ordinance, "junk and debris" is defined to include any and all waste matter, whether reusable or not, which is offensive to the public health, safety, and welfare, and is specifically intended to include, but not be limited to, machinery of any kind, car parts, scrap metal, furniture, appliances, equipment, grills, mattresses, coolers, construction debris, glass, paper, clothing, rags, cartons, boxes, wood, bottles, and cans, regardless of whether these materials may be reused.

Section 3.

This Ordinance shall not prohibit the storage of equipment used for agricultural purposes on any property as long as

- a. that property is zoned A-1;
- b. that property is actually used primarily for agricultural purposes; and

- c. that equipment is actually used for agricultural purposes.

**Section 4.**

a. Any Kendall County code enforcement officer and the Kendall County Sheriff, or his deputies, are hereby authorized to issue citations to the offender for a violation of this Ordinance without the necessity of receiving a complaint.

b. Whenever any authorized officer determines junk and debris is stored on any property located in the County of Kendall and outside the municipal confines of any city, village, or incorporated town, the officer shall cause a written notice to be served by hand delivery upon the owner, tenant, and/or other occupant of the property (it being the intent of this Ordinance to make all such persons jointly and severally liable for compliance), which notice shall inform the person served that the storage of junk and debris constitutes a nuisance under this Ordinance.

- c. Such notice shall include the following:

- i. The name of the defendant and his or her address, if known;
- ii. The nature of the offense, including a description of the items that are junk and debris, and a reference to this Ordinance;
- iii. The date, time and place that the person is required to appear in court;
- iv. A statement that defendant can avoid the court appearance if the defendant, within 10 days of the service of the notice, removes the junk and debris from the exterior of the property;
- v. A statement that the defendant may demand a jury trial by filing a jury demand and paying a jury demand fee when entering his or her appearance, plea, answer to the charge, or other responsive pleading;
- vi. A statement that a default judgment may be entered in the event the person fails to appear in court or answer the charge made on the date set for the defendant's court appearance or any date to which the case is continued and the amount of any default judgment.

**Section 5.**

a. Any person receiving such notice to dispose of junk and debris shall, within 10 days of the date of service of said notice, remove all junk and debris from the exterior of the property.

b. If the person receiving such notice removes the junk and debris within 10 days as required, that person shall contact the Kendall County Planning, Building, and Zoning Department at least 10 days prior to the scheduled court appearance for an inspection. If the code enforcement officer determines the junk and debris has been removed so that the property is no longer in violation of this Ordinance, the court appearance shall no longer be required.

**Section 6.**

a. It shall be unlawful and in violation of this Ordinance for any person to neglect, refuse, or otherwise fail to remove or abate any nuisance as defined in Section 2 within 10 days following service of notice pursuant to Section 4(c).

b. A violation of this Ordinance by any person shall be punishable by a fine not exceeding \$200.00 for each offense.

c. Each day a violation continues to exist following the expiration of the 10 day cure period set forth in Section 5(a) shall constitute a separate offense.

**Section 7.**

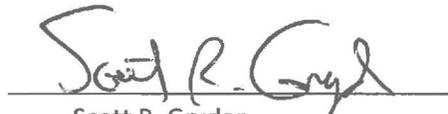
The Ordinance entitled "An Ordinance Declaring the Storing of Junk and other Waste Matter on Private Property to be a Nuisance" adopted July 9, 1968 is repealed.

*IN WITNESS OF*, this Ordinance has been enacted by a majority vote of the Kendall County Board this 21<sup>st</sup> day of May , 2019.

Attest:



Debbie Gillette  
Kendall County Clerk



Scott R. Gryder  
Kendall County Board Chairman